

REMARKS

By the present amendment, claim 1 has been amended to incorporate therein the subject matter of allowable claim 5.

Accordingly, claims 5-6 have been cancelled, and claim 7 has been amended to depend on claim 1 instead of cancelled claim 5.

Further, allowable claim 8 has been rewritten in independent form by reciting therein the subject matter of claim 1 before the present amendment.

It is submitted that the amendment only incorporate features of a dependent claim into an independent claim and rewrite a dependent claim in independent form, without raising new issues. Accordingly, entry and consideration of the amendment is respectfully requested.

Claims 1-3 and 7-9 are pending in the present application. Claims 1 and 8 are the only independent claims.

In the Office Action, claims 1-3, 6, and 9 are rejected under 35 U.S.C. 103(a) as obvious over US 6,378,297 to Ito et al. (“Ito”) in view of US 2004/0065078 to Schafer-Sindlinger et al. (“Schafer”).

Applicants strongly disagree with the interpretation of Schafer set forth in the Office Action, and they urge that Schafer fails to teach or suggest a region of the particle filter that is more strongly impregnated with the oxidation catalyst, as recited in previous claim 1.

In particular, Schafer at paragraphs [0020] to [0023] discusses an additive-based technology based on the use of fuel-additives, pointing out several so-called drawbacks, such as the difficulty of controlling the post-injection and the accumulation of cerium ashes in the

particle filter. Since the very purpose of Shafer is to avoid the fuel-additive technology, any combination of Shafer with another reference teaching the use of said fuel-additive technology would not have been obvious to a person of ordinary skill in the art.

However, in order to expedite prosecution of this application, without prejudice or disclaimer, claim 1 has been amended to incorporate therein the subject matter of allowable claim 5. Further, claim 6 has been cancelled, and claims 2-3 and 9 depend directly or indirectly on claim 1. Accordingly, it is submitted that the rejection is moot.

In view of the above, it is submitted that the rejection should be withdrawn.

Conclusion

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Amendment
US Appl. No. **10/541,549**
Attorney Docket No. **PSA0300109**

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

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